

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Edward McClendon, a minor by his mother and guardian Juwan Wilson, and Collin McClendon,)	
)	
Plaintiffs,)	Case No. 08 C 2866
)	
)	
vs.)	JUDGE ST. EVE
)	
CHICAGO HEIGHTS, and Chicago Heights Police)	
Officer Kirby and other Unknown and Unnamed)	
Officer,)	
)	
Individually,)	
Defendants,)	

JOINT STATUS REPORT

1. The Nature of the Case

A. Edward Fox and Garrett Browne are attorneys of record for plaintiffs, and are both expected to act as trial attorneys for plaintiff.

Anthony C. Scrementi is the attorney of record for the City of Chicago Heights, and is expected to act as trial attorney for this defendant.

B. This court has federal question and supplemental jurisdiction under 28 U.S.C. Sections 1343, 1331 and 1367.

C. The general nature of plaintiffs' claims is that they were wrongfully arrested and physically abused by an officer of the Chicago Heights Police Department.

Plaintiffs believe the officer's last name may have been Kirby. The defendants have not filed any counterclaims.

D. The major legal/factual issues in this case are expected to be when/whether Plaintiffs were wrongfully arrested and subjected to excessive force.

E. Plaintiff is seeking to recover compensatory and punitive damages, and reasonable attorneys fees and costs incurred as a result of this litigation.

2. Pending Motions and Case Plan

A. There are no motions currently pending.

B. The parties jointly propose the following discovery plan:

- i. The type of discovery needed: Documentation relating to plaintiffs' detention by the Chicago Heights Police Department, the identities of all Chicago Heights Police Department personnel that had any contact/interaction with plaintiffs, the depositions of all personnel with knowledge of plaintiffs' detention and physical condition, plaintiffs' alleged injuries caused by the alleged excessive force, and any persons

who witnessed or have knowledge of the incident alleged in plaintiffs' complaint.

- ii. Date for Rule 26(a)(1) disclosures: July 15, 2008.
- iii. Fact discovery completion date: December 19, 2008.
- iv. All expert discovery should be completed by March 31, 2009 with plaintiff to provide expert report by January 30, 2009, and defendants to provide any expert reports by February 27, 2009.
- v. All dispositive motions must be filed by: January 30, 2009.
- vi. The final pretrial order must be filed by: _____

C. Trial Information

- vii. The parties have requested a jury trial.
- viii. The trial is expected to take 2 to 3 days.
- ix. The case will be ready for trial by May 2009

3. The parties do not unanimously consent to proceed before a magistrate judge.

4. Status of Settlement Discussions

A. No settlement Discussions have occurred, and the parties do not request a settlement conference at this time.

/s/Garrett Browne

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